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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,052	10/30/2000	Koji Nakagiri	35.C14903	6143

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EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2625

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/698,052

Applicant(s)

NAKAGIRI ET AL.

Examiner

King Y. Poon

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-11,13-19,21-27 and 29-41 is/are pending in the application.
- 4a) Of the above claim(s) 33-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-19,21-27 and 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 33-44 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/6/2006.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5, 13, 21, 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 5, 13, 21, 29 recites the limitation "said respective layout information". There is insufficient antecedent basis for this limitation in the claim. It is unclear the phrase is referring to the "respective page layout" or "layout information specified via a user interface of a printer driver" of claims 1, 9, 17, 25.

### ***Claim Rejections - 35 USC § 103***

Art Unit: 2625

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, 22, 25-27, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coertz et al (US 6,173,295) in view of Center et al (US 5,953,007) and Nagao et al (US 6,100,998).

Regarding claim 9: Goertz teaches an information processing apparatus (client computer, column 7, lines 15-25) for forming print data (column 8, lines 25-40) to be transmitted to a printing apparatus (print server and printer prints, column 7, lines 25-30), comprising: a spooler which is adapted to convert (the program code of the software in the computer that process the document into PostScript format, column 9, lines 15-20 that print file is in PostScript format, and stored the file into a library/spool file, column 5, lines 1-5) data to be printed into data in an intermediate code format (Postscript, column 9, lines 20-25) and for temporarily spool the intermediate code format data with and print setting information as one print job (document file, column 5, lines 2, column 2, lines 15-20; note each file is a single print job because each file can be printed individually, also see column 9, lines 15-20 that print file is in PostScript format) in a spool file (column 5, lines 1-5), the print setting information including layout information (note, PostScript inherently has layout information because the file already has information of how the image is to be printed; e.g., the word "same" must be lay out in the way of "same" and not in the way of "ames") specified via a user interface

Art Unit: 2625

(column 7, lines 39-45, a file is well known to be created by a user using some kind of application) of a printer driver (software 10, column 7, lines 40-45) wherein said spooler is configured to repeatable spool a plurality of print jobs (column 5, lines 1-5); a processor (computer of column 5, lines 1-5 inherently having processor) which is adapted to form one composed job (ticket 40, fig. 2) by composing a the plurality of print jobs (fig. 2, column 5, lines 35-67) spooled by the said spooler and a previewer (view software, column 5, line 2) which is adapted to obtain layout information (view the file inherently viewing how the image of the file is being lay out of the plurality of print jobs.

Coertz does not teach how the postscript file/print job is created.

Although most people in the printing art already know how the Postscript file is created, some people do not know.

For those people who do not known how the Postscript file is created, they must rely on other teaching/reference if they want to make use of Coertz's invention.

Nagao teaches that a document file is first prepared by an application program and the prepared document or text is further generated into Postscript file by a unit that is capable of generating Postscript from document prepared by application.

Therefore, it would have been obvious to a person with ordinary skill in the art that does not know how to created the Postscript file of Coertz to modified the Postscript (intermediate code format creating step) forming step to include a step of: a document file is first prepared by an application program and the prepared document or text is further generated into Postscript file.

Coertz does not teach previewing the lay out of the plurality print job composed by said processor and to output drawing data edited in accordance with the respective layout information so as to control a display screen to display of a preview of the composed job, wherein when controlling display of the preview of the composed job, the previewer controls the display screen to display the preview indicating that the respective page layout the plurality of print jobs is maintained.

Such limitation are taught by Center, column 4, lines 38-42, column 3, lines 5-10, fig. 2, fig. 4A-4C, fig. 5A-5C, fig. 6A-6C.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Coertz to include: previewing the lay out of the plurality print job composed by said processor and to output drawing data edited in accordance with the respective layout information so as to control a display screen to display of a preview of the composed job, wherein when controlling display of the preview of the composed job, the previewer controls the display screen to display the preview indicating that the respective page layout the plurality of print jobs is maintained.

The motivation for doing so would have been to a) provide the user with a clear and practical visual understanding of print layout (Center: col. 3 lines 1-4) and b) to show the user exactly what the page layout will look like without requiring printing (Center: col. 3 lines 5-7).

Regarding claim 1: Since, the spooler of Goertz is being interpreted by the examiner to be the software of Goertz that creates the individual Postscript file and the

Art Unit: 2625

storing the Postscript file; it would have been obvious to modified the software to include a software code that converts the document, prepared by an application, into the Postscript file. (see also the discussion of claim 9)

Regarding claims 17, 25: Goertz teaches a computer running software (column 7, lines 5-10); it is inherently that such computer has a computer executable program stored in a computer readable medium that controls the computer. Also see discussion of claim 9.

Regarding claims 2, 10, 18 and 26, Center discloses a setting editor for displaying a user interface to edit a print setting of the stored/spooled print file and temporarily storing the print setting edited by said user interface in association with the stored print file in Center's system, figure 1 illustrates a user interface allowing a user to manipulate the attributes of a print job in a print job ticket (col. 4 lines 15-17).

Goertz discloses that the job ticket 40 stores the layout information (col. 6 lines 35-37) of the print file. Goertz further teaches the computer may directly access store and view the Postscript files in the spool file/library, column 5, lines 1-5, and be able to modified the Postscript file

Therefore, it would have been obvious to a person to include in the invention of Goertz: a setting editor for displaying a user interface to edit a print setting/layout information of the stored/spooled Postscript print file and temporarily storing the print setting edited by said user interface in association with the stored Postscript print file such that a user would be able to create a print job just the way the user wants.

Art Unit: 2625

Regarding claims 3, 11, 19, 27: Goertz teaches wherein the user interface can edit the print setting for the composed print job (column 9, lines 15-35).

Regarding claims 5, 13, 21, 29: Goertz teaches wherein said page layout information include a lay out process in the information processing apparatus (e.g., fig. 6A, Center) and a layout process in the printing apparatus (column 7, lines 15-25).

Regarding claims 6, 14, 22, 30: Goertz further teaches a print data forming unit for forming the print data to be transmitted to the printing apparatus on the basis of intermediate data format spooled by the spooler (the function part/program code of software 10 that translate, column 7, lines 10-15).

8. Claims 7, 8, 15, 16, 23, 24, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coertz et al (US 6,173,295) in view of Center et al (US 5,953,007) and Nagao et al (US 6,100,998) as applied to claims 6, 14, 22, 30 above, and further in view of Onuma (US 6,570,669).

Regarding claims 7, 15, 23 and 31: Goertz and Center do not disclose expressly a draw command forming unit for converting the intermediate format data spool/store by said spooler into a draw command which can be interpreted by a drawing unit of an OS and a print command allocating unit for sending a print command received from the application through the drawing unit of the OS to the spooler and sending the print command received from said draw command setting unit through the drawing unit of the OS to said print forming unit.



Onuma discloses a draw command forming (as part of the OS) unit for converting the intermediate format data into a draw command which can be interpreted by a drawing unit of an OS for outputting; in Onuma's system, the OS generates a draw file based on the information sent from the application in which the data to be printed was created (col. 5 lines 53-57).

Onuma further discloses a print command-allocating unit 3 for sending a print command received from the application through the drawing unit of the OS (col. 5 lines 53-57). The command is then sent to the spooler 4 (col. 6 lines 1-3) and then on to the print-forming unit 8 (as shown in figure 1).

Goertz, Center and Onuma are combinable because they are from the same field of endeavor, namely computer systems for transmitting data to printers.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Goertz to include: a draw command forming unit for converting the intermediate format data spool/store by said spooler into a draw command which can be interpreted by a drawing unit of an OS and a print command allocating unit for sending a print command received from the application through the drawing unit of the OS to the spooler and sending the print command received from said draw command setting unit through the drawing unit of the OS to said print forming unit.

The motivation for doing so would have been to get the data in the proper form for transmission to the printer, so that the printer can print the data.

Art Unit: 2625

Regarding claims 8, 16, 24 and 32: Onuma further discloses that the draw command is a GDI function (col. 3 line 59) and the print command is a DDI function (col. 3 line 65).

Goertz discloses that the print data is in a printer language (column 7, lines 10-15).

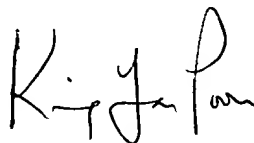
### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 14, 2006



**KING Y. POON  
PRIMARY EXAMINER**